REMARKS

Overview

Claims 1-41 are pending. All claims remain rejected based on either a § 102 rejection or § 103 rejections. This Office Action has been carefully reviewed. Reconsideration is respectfully requested based on the following remarks.

35 U.S.C. § 102 Rejection

Claims 1-4, 7-11, 14, 16, 19, 24, 31 and 38 stand rejected as anticipated by Massaro (previously of record). This rejection is respectfully traversed.

In the recent Office Action, the Examiner responds to Applicant's arguments for patentability in Applicant's prior response. As understood, the Examiner is taking the position that the distinctions argued by Applicant between her claims and the cited references are not contained within a fair interpretation of Applicant's claim language.

It is respectfully submitted such patentably distinct differences are in the claim language.

For example, Office Action, page 13, paragraph 2, takes the position that Applicant's claims are silent regarding "displaying information to be learned and concurrently making available on that same screen either or both virtual tutors for immediate enhancement of the learning task".

Applicant's claim 1, preamble, specifically describes the context of the claim being "an instructional program". The first element of the claim specifies the instructional program includes "a plurality of sections each comprising instructional information related to a subject". Massaro is not an instructional program. It is an user application such as word processing. Massaro is discussed in detail in Applicant's prior response, which is incorporated by reference

herein. Applicant's claim 1 specifically describes presenting the instructional information to be learned to the user.

Claim 1 then, at its second step, specifically states "additional instructional options related to the instructional information" are made available to the user. In other words, the claim explicitly states that whatever material to be learned from the instructional program is displayed, and there is concurrently also made available "additional instructional options related to that instructional information". This comports identically to an example in Applicant's specification of displaying text to be learned on one part of the information processing device, while simultaneously "making available to the user via the information processing device" the "additional instructional options".

The third step of the claim makes clear the "additional instructional options" include "additional instructional information available to the user via the informational processing device in at least first and second levels of sophistication". One example is the two tutors of different levels of sophistication.

Note also how those two levels are specifically "user-selectable" and "at any time and in any order".

Therefore, contrary to the conclusions made in the most recent Action, it is respectfully submitted method claim 1 does specifically display information to be learned and additional instructional options can be concurrently made available at the same time to the user for immediate enhancement of the learning task.

As pointed out before, Massaro discloses a user application such as word processing that tries to automatically select help information related to the application function based on some pre-programmed user profile. To the extent Massaro might be interpreted as allowing some user

selection of the level of sophistication of help, it must be done by going into a user's set up screen, and manually select a different setting, and then go back to the application and access help through the traditional help query. This does not comport to the specific combination of Applicant's claim 1. As stated previously, claim 1 does make available concurrently to the user two levels of sophistication to assist in learning the concurrently displayed subject matter.

Consider the example given in Applicant's Specification. The user of the instructional program is trying to learn rules regarding a manual of regulations. The regulations are displayed on the information processing device. At the same time two levels of sophistication of additional instructional options to help learn those regulations is made available to the user through the information processing device. The user can select, as one example, the professorial tutor. The user could select the less sophisticated blunt speaking tutor. The user could select neither.

Compare Massaro's paradigm. In a word processing application, as an example, at some point the user might need help in figuring out how to format paragraphs of a document. This has nothing to do with learning the content of the document that is displayed. The Massaro paradigm either automatically selects some level of paragraph-formatting help based on a pre-programmed user input (and thus is a single level of help available at that time by user request), or allows the user to go to some help set up screen and manually change it to a different one.

There is not substantial identity between the method steps of Applicant's claim 1 and Massaro.

Independent claims 11 and 16 are apparatus and system claims, respectively, that have similar combinations to claim 1. It is therefore respectfully submitted all claims under this § 102 rejection are not *prima facie* anticipated by Massaro.

35 U.S.C. § 103 Rejections

The remaining claims have been rejected as obvious over either Massaro in light of Cook (previously of record) or Massaro alone. For the reasons expressed in Applicant's prior responses, there is no *prima facie* teaching of Applicant's claims by either Massaro in view of Cook or Massaro alone. For the reasons expressed above, Massaro is missing at least one material limitation of Applicant's claims. This is not filled in, so to speak, by any suggestion Massaro or by Cook. It is therefore respectfully submitted these claims are likewise allowable.

Conclusion

It is submitted all matters pending in Actions by the USPTO have been addressed and remedied and that the application is in form for allowance. Reconsideration is respectfully requested.

No fees or extensions of time are believed to be due in connection with this response; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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